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H. R. 2105

To provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2011

Ms. ROS-LEHTINEN (for herself and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Oversight and Government Reform, the Judiciary, Ways and Means, Science, Space, and Technology, Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Iran, North Korea, and Syria Nonproliferation Reform
6 and Modernization Act of 2011”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Statement of policy.
- Sec. 3. Reports on proliferation relating to Iran, North Korea, and Syria.
- Sec. 4. Application of measures to certain foreign persons.
- Sec. 5. Determination exempting a foreign person from the application of certain measures.
- Sec. 6. Restrictions on nuclear cooperation with countries aiding proliferation by Iran, North Korea, or Syria.
- Sec. 7. Restriction on extraordinary payments in connection with the International Space Station.
- Sec. 8. Exclusion from the United States of senior officials of foreign persons who have aided proliferation relating to Iran.
- Sec. 9. Prohibition on certain vessels landing in the United States; enhanced inspections.
- Sec. 10. Sanctions with respect to critical defense resources provided to or acquired from Iran, North Korea, or Syria.
- Sec. 11. Definitions.
- Sec. 12. Repeal of Iran, North Korea, and Syria Nonproliferation Act.

3 **SEC. 2. STATEMENT OF POLICY.**

4 It shall be the policy of the United States to fully
 5 implement and enforce sanctions against Iran, North
 6 Korea, and Syria for their proliferation activities and poli-
 7 cies.

8 **SEC. 3. REPORTS ON PROLIFERATION RELATING TO IRAN,**
 9 **NORTH KOREA, AND SYRIA.**

10 (a) REPORTS.—Not later than 90 days after the date
 11 of the enactment of this Act and every 180 days there-
 12 after, the President shall transmit to the appropriate con-
 13 gressional committees a report identifying every foreign
 14 person with respect to whom there is credible information
 15 indicating that such person—

16 (1) on or after January 1, 1999, transferred to
 17 or acquired from Iran, on or after January 1, 2005,

1 transferred to or acquired from Syria, or on or after
2 January 1, 2006, transferred to or acquired from
3 North Korea—

4 (A) goods, services, or technology listed
5 on—

6 (i) the Nuclear Suppliers Group
7 Guidelines for the Export of Nuclear Mate-
8 rial, Equipment and Technology (published
9 by the International Atomic Energy Agen-
10 cy as Information Circular INFCIRC/254/
11 Rev. 3/Part 1, and subsequent revisions)
12 and Guidelines for Transfers of Nuclear-
13 Related Dual-Use Equipment, Material,
14 and Related Technology (published by the
15 International Atomic Energy Agency as In-
16 formation Circular INFCIRC/254/Rev. 3/
17 Part 2, and subsequent revisions);

18 (ii) the Missile Technology Control
19 Regime Equipment and Technology Annex
20 of June 11, 1996, and subsequent revi-
21 sions;

22 (iii) the lists of items and substances
23 relating to biological and chemical weapons
24 the export of which is controlled by the
25 Australia Group;

1 (iv) the Schedule One or Schedule
2 Two list of toxic chemicals and precursors
3 the export of which is controlled pursuant
4 to the Convention on the Prohibition of the
5 Development, Production, Stockpiling and
6 Use of Chemical Weapons and on Their
7 Destruction; or

8 (v) the Wassenaar Arrangement list of
9 Dual Use Goods and Technologies and
10 Munitions list of July 12, 1996, and subse-
11 quent revisions; or

12 (B) goods, services, or technology not list-
13 ed on any list specified in subparagraph (A) but
14 which nevertheless would be, if such goods,
15 services, or technology were United States
16 goods, services, or technology, prohibited for ex-
17 port to Iran, North Korea, or Syria, as the case
18 may be, because of the potential of such goods,
19 services or technology to make a material con-
20 tribution to the development of nuclear, biologi-
21 cal, or chemical weapons, or of ballistic or
22 cruise missile systems;

23 (2) except as provided in subsection (b), on or
24 after the date of the enactment of this Act, acquired
25 materials mined or otherwise extracted within the

1 territory or control of Iran, North Korea, or Syria,
2 as the case may be, for purposes relating to the nu-
3 clear, biological, or chemical weapons, or ballistic or
4 cruise missile development programs of Iran, North
5 Korea, or Syria, as the case may be;

6 (3) on or after the date of the enactment of this
7 Act, transferred to Iran, Syria, or North Korea
8 goods, services, or technology that could assist ef-
9 forts to extract or mill uranium ore within the terri-
10 tory or control of Iran, North Korea, or Syria, as
11 the case may be; or

12 (4) on or after the date of the enactment of this
13 Act, provided a vessel, insurance or reinsurance, or
14 any other shipping service for the transportation of
15 goods to or from Iran, North Korea, or Syria for
16 purposes relating to the nuclear, biological, or chem-
17 ical weapons, or ballistic or cruise missile develop-
18 ment programs of Iran, North Korea, or Syria, as
19 the case may be.

20 (b) EXCEPTIONS.—Any foreign person who—

21 (1) was identified in a report transmitted in ac-
22 cordance with subsection (a) on account of a par-
23 ticular transfer, or

1 (2) has engaged in a transfer on behalf of, or
2 in concert with, the Government of the United
3 States,

4 shall not be identified on account of that same transfer
5 in any report submitted thereafter under this section, ex-
6 cept to the degree that new information has emerged indi-
7 cating that the particular transfer at issue may have con-
8 tinued, or been larger, more significant, or different in na-
9 ture than previously reported under this section.

10 (c) TRANSMISSION IN CLASSIFIED FORM.—If the
11 President considers it appropriate, reports transmitted in
12 accordance with subsection (a), or appropriate parts there-
13 of, may be transmitted in classified form.

14 (d) CONTENT OF REPORTS.—Each report required
15 under subsection (a) shall contain, with respect to each
16 foreign person identified in each such report, a brief de-
17 scription of the type and quantity of the goods, services,
18 or technology transferred by such person to Iran, North
19 Korea, or Syria, the circumstances surrounding such
20 transfer, the usefulness to the nuclear, biological, or chem-
21 ical weapons, or ballistic or cruise missile development
22 programs of Iran, North Korea, or Syria of such transfer,
23 and the probable awareness or lack thereof of the transfer
24 on the part of the government with primary jurisdiction
25 over such person.

1 **SEC. 4. APPLICATION OF MEASURES TO CERTAIN FOREIGN**
2 **PERSONS.**

3 (a) APPLICATION OF MEASURES.—Subject to section
4 5, the President shall apply, for a period of not less than
5 two years, the measures specified in subsection (b) with
6 respect to—

7 (1) each foreign person identified in a report
8 transmitted under section 3(a);

9 (2) each person that is a successor, subunit, or
10 subsidiary of a foreign person referred to in para-
11 graph (1); and

12 (3) each person that owns more than 50 per-
13 cent of, or controls in fact, a foreign person referred
14 to in paragraph (1) or a person described in para-
15 graph (2).

16 (b) DESCRIPTION OF MEASURES.—The measures re-
17 ferred to in subsection (a) are the following:

18 (1) EXECUTIVE ORDER 12938 PROHIBITIONS.—
19 The measures specified in subsections (b), (c), and
20 (d) of section 4 of Executive Order 12938 (50
21 U.S.C. 1701 note; relating to proliferation of weap-
22 ons of mass destruction).

23 (2) ARMS EXPORT PROHIBITION.—Prohibition
24 on United States Government sales to a person de-
25 scribed in subsection (a) of any item on the United
26 States Munitions List and termination of sales to

1 such person of any defense articles, defense services,
2 or design and construction services under the Arms
3 Export Control Act (22 U.S.C. 2751 et seq.).

4 (3) DUAL USE EXPORT PROHIBITION.—Denial
5 of licenses and suspension of existing licenses for the
6 transfer to a person described in subsection (a) of
7 items the export of which is controlled under the Ex-
8 port Administration Act of 1979 (50 U.S.C. App.
9 2401 et seq.), as in effect pursuant to the Inter-
10 national Emergency Economic Powers Act, or the
11 Export Administration Regulations.

12 (4) INVESTMENT PROHIBITION.—Prohibition on
13 any investment by a United States person in prop-
14 erty, including entities, owned or controlled by a per-
15 son described in subsection (a).

16 (5) FINANCING PROHIBITION.—Prohibition on
17 any approval, financing, or guarantee by a United
18 States person, wherever located, of a transaction by
19 a person described in subsection (a).

20 (6) FINANCIAL ASSISTANCE PROHIBITION.—De-
21 nial by the United States Government of any credit,
22 credit guarantees, grants, or other financial assist-
23 ance by any agency of the United States Govern-
24 ment to a person described in subsection (a).

1 (c) EFFECTIVE DATE.—Measures applied pursuant
2 to subsection (a) shall be effective with respect to a foreign
3 person no later than—

4 (1) 90 days after the report identifying the for-
5 eign person is submitted, if the report is submitted
6 on or before the date required by section 3(a);

7 (2) 90 days after the date required by section
8 3(a) for submitting the report, if the report identi-
9 fying the foreign person is submitted within 60 days
10 after that date; or

11 (3) on the date that the report identifying the
12 foreign person is submitted, if that report is sub-
13 mitted more than 60 days after the date required by
14 section 3(a).

15 (d) PUBLICATION IN FEDERAL REGISTER.—

16 (1) IN GENERAL.—The Secretary of the Treas-
17 ury shall publish in the Federal Register notice of
18 the application against a person of measures pursu-
19 ant to subsection (a).

20 (2) CONTENT.—Each notice published in ac-
21 cordance with paragraph (1) shall include the name
22 and address (where known) of each person to which
23 measures have been applied pursuant to subsection
24 (a).

1 **SEC. 5. DETERMINATION EXEMPTING A FOREIGN PERSON**
2 **FROM THE APPLICATION OF CERTAIN MEAS-**
3 **URES.**

4 (a) IN GENERAL.—The application of any measure
5 described in section 4(b) to a person described in section
6 4(a) shall cease to be effective beginning 15 days after
7 the date on which the President reports to the appropriate
8 congressional committees that the President has deter-
9 mined, on the basis of information provided by such per-
10 son or otherwise obtained by the President, that—

11 (1) in the case of a transfer or acquisition of
12 goods, services, or technology described in section
13 3(a)(1)—

14 (A) such person did not, on or after Janu-
15 ary 1, 1999, knowingly transfer to or acquire
16 from Iran, North Korea, or Syria, as the case
17 may be, such goods, services, or technology the
18 apparent transfer of which caused such person
19 to be identified in a report submitted pursuant
20 to section 3(a);

21 (B) the goods, services, or technology the
22 transfer of which caused such person to be
23 identified in a report submitted pursuant to
24 section 3(a) did not materially contribute to the
25 efforts of Iran, North Korea, or Syria, as the
26 case may be, to develop nuclear, biological, or

1 chemical weapons, or ballistic or cruise missile
2 systems, or weapons listed on the Wassenaar
3 Arrangement Munitions List of July 12, 1996,
4 or any subsequent revision of such List;

5 (C) such person is subject to the primary
6 jurisdiction of a government that is an adherent
7 to one or more relevant nonproliferation re-
8 gimes, such person was identified in a report
9 submitted pursuant to section 3(a) with respect
10 to a transfer of goods, services, or technology
11 described in section 3(a)(1)(A), and such trans-
12 fer was made in accordance with the guidelines
13 and parameters of all such relevant regimes of
14 which such government is an adherent; or

15 (D) the government with primary jurisdic-
16 tion over such person has imposed meaningful
17 penalties on such person on account of the
18 transfer of such goods, services, or technology
19 that caused such person to be identified in a re-
20 port submitted pursuant to section 3(a);

21 (2) in the case of an acquisition of materials
22 mined or otherwise extracted within the territory of
23 Iran, North Korea, or Syria, as the case may be, de-
24 scribed in section 3(a)(2) for purposes relating to
25 the nuclear, biological, or chemical weapons, or bal-

1 listic or cruise missile development programs of
2 Iran, North Korea, or Syria, as the case may be,
3 such person did not acquire such materials; or

4 (3) in the case of the provision of a vessel, in-
5 surance or reinsurance, or another shipping service
6 for the transportation of goods to or from Iran,
7 North Korea, or Syria, as the case may be, described
8 in section 3(a)(3) for purposes relating to the nu-
9 clear, biological, or chemical weapons, or ballistic or
10 cruise missile development programs of Iran, North
11 Korea, or Syria, as the case may be, such person did
12 not provide such a vessel or service.

13 (b) OPPORTUNITY TO PROVIDE INFORMATION.—
14 Congress urges the President—

15 (1) in every appropriate case, to contact in a
16 timely fashion each person described in section 3(a),
17 or the government with primary jurisdiction over
18 such person, in order to afford such person, or such
19 government, the opportunity to provide explanatory,
20 exculpatory, or other additional information with re-
21 spect to the transfer that caused such person to be
22 identified in a report submitted pursuant to section
23 3(a); and

24 (2) to exercise the authority described in sub-
25 section (a) in all cases in which information obtained

1 from each person described in section 3(a), or from
2 the government with primary jurisdiction over such
3 person, establishes that the exercise of such author-
4 ity is warranted.

5 (c) FORM OF TRANSMISSION.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the determination and report of the
8 President under subsection (a) shall be transmitted
9 in unclassified form.

10 (2) EXCEPTION.—The determination and report
11 of the President under subsection (a) may be trans-
12 mitted in classified form if the President certifies to
13 the appropriate congressional committees that it is
14 vital to the national security interests of the United
15 States to do so.

16 **SEC. 6. RESTRICTIONS ON NUCLEAR COOPERATION WITH**
17 **COUNTRIES AIDING PROLIFERATION BY**
18 **IRAN, NORTH KOREA, OR SYRIA.**

19 (a) IN GENERAL.—

20 (1) RESTRICTIONS.—Notwithstanding any other
21 provision of law, on or after the date of the enact-
22 ment of this Act—

23 (A) no agreement for cooperation between
24 the United States and the government of any
25 country that is assisting the nuclear program of

1 Iran, North Korea, or Syria, or transferring ad-
2 vanced conventional weapons or missiles to
3 Iran, North Korea, or Syria may be submitted
4 to the President or to Congress pursuant to
5 section 123 of the Atomic Energy Act of 1954
6 (42 U.S.C. 2153);

7 (B) no such agreement may enter into
8 force with respect to such country;

9 (C) no license may be issued for export di-
10 rectly or indirectly to such country of any nu-
11 clear material, facilities, components, or other
12 goods, services, or technology that would be
13 subject to such agreement; and

14 (D) no approval may be given for the
15 transfer or retransfer directly or indirectly to
16 such country of any nuclear material, facilities,
17 components, or other goods, services, or tech-
18 nology that would be subject to such agreement,
19 until the President makes the determination
20 and report under paragraph (2).

21 (2) DETERMINATION AND REPORT.—The deter-
22 mination and report referred to in paragraph (1)(D)
23 are a determination and report by the President,
24 submitted to the Committee on Foreign Affairs of

1 the House of Representatives and the Committee on
2 Foreign Relations of the Senate, that—

3 (A) Iran, North Korea, or Syria, as the
4 case may, has ceased its efforts to design, de-
5 velop, or acquire a nuclear explosive device or
6 related materials or technology; or

7 (B) the government of the country that is
8 assisting the nuclear programs of Iran, North
9 Korea, or Syria, as the case may be, or trans-
10 ferring advanced conventional weapons or mis-
11 siles to Iran, North Korea, or Syria, as the case
12 may be—

13 (i) has suspended all nuclear assist-
14 ance to Iran, North Korea, or Syria, as the
15 case may be, and all transfers of advanced
16 conventional weapons and missiles to Iran,
17 North Korea, or Syria, as the case may be;
18 and

19 (ii) is committed to maintaining that
20 suspension until Iran, North Korea, or
21 Syria, as the case may be, has imple-
22 mented measures that would permit the
23 President to make the determination de-
24 scribed in subparagraph (A).

1 (b) RULES OF CONSTRUCTION.—The restrictions de-
2 scribed in subsection (a)(1)—

3 (1) shall apply in addition to all other applica-
4 ble procedures, requirements, and restrictions de-
5 scribed in the Atomic Energy Act of 1954 and other
6 applicable Acts; and

7 (2) shall not be construed as affecting the valid-
8 ity of an agreement for cooperation between the
9 United States and the government of a country that
10 is in effect on the date of the enactment of this Act.

11 (c) DEFINITIONS.—In this section:

12 (1) AGREEMENT FOR COOPERATION.—The term
13 “agreement for cooperation” has the meaning given
14 that term in section 11 b. of the Atomic Energy Act
15 of 1954 (42 U.S.C. 2014 b.).

16 (2) ASSISTING THE NUCLEAR PROGRAM OF
17 IRAN, NORTH KOREA, OR SYRIA.—The term “assist-
18 ing the nuclear program of Iran, North Korea, or
19 Syria” means the intentional transfer to Iran, North
20 Korea, or Syria by a government, or by a person
21 subject to the jurisdiction of a government with the
22 knowledge and acquiescence of that government, of
23 goods, services, or technology listed on the Nuclear
24 Suppliers Group Guidelines for the Export of Nu-
25 clear Material, Equipment and Technology (pub-

1 lished by the International Atomic Energy Agency as
2 Information Circular INFCIRC/254/Rev. 3/Part 1,
3 and subsequent revisions), or the Nuclear Suppliers
4 Group Guidelines for Transfers of Nuclear-Related
5 Dual-Use Equipment, Material, and Related Tech-
6 nology (published by the International Atomic En-
7 ergy Agency as Information Circular INFCIR/254/
8 Rev. 3/Part 2, and subsequent revisions).

9 (3) COUNTRY THAT IS ASSISTING THE NU-
10 CLEAR PROGRAMS OF IRAN, NORTH KOREA, OR
11 SYRIA OR TRANSFERRING ADVANCED CONVENTIONAL
12 WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR
13 SYRIA.—The term “country that is assisting the nu-
14 clear program of Iran, North Korea, or Syria or
15 transferring advanced conventional weapons or mis-
16 siles to Iran, North Korea, or Syria” means—

17 (A) the Russian Federation; and

18 (B) any other country determined by the
19 President to be assisting the nuclear program
20 of Iran, North Korea, or Syria or transferring
21 advanced conventional weapons or missiles to
22 Iran, North Korea, or Syria.

23 (4) TRANSFER.—The term “transfer” means
24 the conveyance of technological or intellectual prop-
25 erty, or the conversion of intellectual or technological

1 advances into marketable goods, services, or articles
2 of value, developed and generated in one place, to
3 another through illegal or illicit means to a country,
4 the government of which the Secretary of State has
5 determined, for purposes of section 6(j)(1)(A) of the
6 Export Administration Act of 1979 (as in effect pur-
7 suant to the International Emergency Economic
8 Powers Act; 50 U.S.C. 1701 et seq.), section 40(d)
9 of the Arms Export Control Act (22 U.S.C.
10 2780(d)), and section 620A of the Foreign Assist-
11 ance Act of 1961 (22 U.S.C. 2371), is a government
12 that has repeatedly provided support for acts of
13 international terrorism.

14 (5) TRANSFERRING ADVANCED CONVENTIONAL
15 WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR
16 SYRIA.—The term “transferring advanced conven-
17 tional weapons or missiles to Iran, North Korea, or
18 Syria” means the intentional transfer to Iran, North
19 Korea, or Syria by a government, or by a person
20 subject to the jurisdiction of a government with the
21 knowledge and acquiescence of that government, of
22 goods, services, or technology listed on—

23 (A) the Wassenaar Arrangement list of
24 Dual Use Goods and Technologies and Muni-

1 tions list of July 12, 1996, and subsequent revi-
2 sions; or

3 (B) the Missile Technology Control Regime
4 Equipment and Technology Annex of June 11,
5 1996, and subsequent revisions.

6 **SEC. 7. RESTRICTION ON EXTRAORDINARY PAYMENTS IN**
7 **CONNECTION WITH THE INTERNATIONAL**
8 **SPACE STATION.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, no agency of the United States Government
11 may make extraordinary payments in connection with the
12 International Space Station to the Russian Aviation and
13 Space Agency, any organization or entity under the juris-
14 diction or control of the Russian Aviation and Space Agen-
15 cy, or any other organization, entity, or element of the
16 Government of the Russian Federation, unless, during the
17 fiscal year in which such extraordinary payments are to
18 be made, the President has made the determination de-
19 scribed in subsection (b), and reported such determination
20 to the Committee on Foreign Affairs and the Committee
21 on Science and Technology of the House of Representa-
22 tives and the Committee on Foreign Relations and the
23 Committee on Commerce, Science, and Transportation of
24 the Senate.

1 (b) DETERMINATION REGARDING RUSSIAN CO-
2 OPERATION IN PREVENTING PROLIFERATION RELATING
3 TO IRAN, NORTH KOREA, AND SYRIA.—The determina-
4 tion referred to in subsection (a) is a determination by
5 the President that—

6 (1) it is the policy of the Government of the
7 Russian Federation (including the law enforcement,
8 export promotion, export control, and intelligence
9 agencies of such Government) to oppose the pro-
10 liferation to or from Iran, North Korea, and Syria
11 of weapons of mass destruction and missile systems
12 capable of delivering such weapons;

13 (2) the Government of the Russian Federation
14 (including the law enforcement, export promotion,
15 export control, and intelligence agencies of such Gov-
16 ernment) has demonstrated and continues to dem-
17 onstrate a sustained commitment to seek out and
18 prevent the transfer to or from Iran, North Korea,
19 and Syria of goods, services, and technology that
20 could make a material contribution to the nuclear,
21 biological, or chemical weapons, or of ballistic or
22 cruise missile systems development programs of
23 Iran; and

24 (3) neither the Russian Aviation and Space
25 Agency, nor any organization or entity under the ju-

1 jurisdiction or control of the Russian Aviation and
2 Space Agency, has, during the one-year period end-
3 ing on the date of the determination under this sub-
4 section made transfers to or from Iran, North
5 Korea, or Syria reportable under section 3(a) (other
6 than transfers with respect to which a determination
7 pursuant to section 5 has been or will be made).

8 (c) PRIOR NOTIFICATION.—Not less than five days
9 before making a determination under this section, the
10 President shall notify the Committee on Foreign Affairs
11 and the Committee on Science, Space, and Technology of
12 the House of Representatives and the Committee on For-
13 eign Relations and the Committee on Commerce, Science,
14 and Transportation of the Senate of the President’s inten-
15 tion to make such a determination.

16 (d) WRITTEN JUSTIFICATION.—A determination of
17 the President under this section shall include a written
18 justification describing in detail the facts and cir-
19 cumstances supporting the President’s conclusion.

20 (e) TRANSMISSION IN CLASSIFIED FORM.—If the
21 President considers it appropriate, a determination of the
22 President under this section, a prior notification under
23 subsection (c), and a written justification under subsection
24 (d), or appropriate parts thereof, may be transmitted in
25 classified form.

1 (f) EXCEPTION FOR CREW SAFETY.—

2 (1) EXCEPTION.—The National Aeronautics
3 and Space Administration may make extraordinary
4 payments in connection with the International Space
5 Station to the Russian Aviation and Space Agency
6 or any organization or entity under the jurisdiction
7 or control of the Russian Aviation and Space Agen-
8 cy, or any subcontractor thereof, that would other-
9 wise be prohibited under this section if the President
10 notifies Congress in writing that such payments are
11 necessary to prevent the imminent loss of life of or
12 grievous injury to individuals aboard the Inter-
13 national Space Station.

14 (2) REPORT.—Not later than 30 days after no-
15 tifying Congress that the National Aeronautics and
16 Space Administration will make extraordinary pay-
17 ments under paragraph (1), the President shall
18 transmit to Congress a report describing—

19 (A) the extent to which the provisions of
20 subsection (b) had been met as of the date of
21 notification; and

22 (B) the measures that the National Aero-
23 nautics and Space Administration is taking to
24 ensure that—

1 (i) the conditions posing a threat of
2 imminent loss of life of or grievous injury
3 to individuals aboard the International
4 Space Station necessitating the extraor-
5 dinary payments are not repeated; and

6 (ii) it is no longer necessary to make
7 extraordinary payments in order to prevent
8 imminent loss of life of or grievous injury
9 to individuals aboard the International
10 Space Station.

11 (g) SERVICE MODULE EXCEPTION.—

12 (1) IN GENERAL.—The National Aeronautics
13 and Space Administration may make extraordinary
14 payments in connection with the International Space
15 Station to the Russian Aviation and Space Agency,
16 any organization or entity under the jurisdiction or
17 control of the Russian Aviation and Space Agency,
18 or any subcontractor thereof, that would otherwise
19 be prohibited under this section for the construction,
20 testing, preparation, delivery, launch, or mainte-
21 nance of the Service Module, and for the purchase
22 (at a total cost not to exceed \$14,000,000) of the
23 pressure dome for the Interim Control Module and
24 the Androgynous Peripheral Docking Adapter and

1 related hardware for the United States propulsion
2 module, if—

3 (A) the President has notified Congress at
4 least five days before making such payments;

5 (B) no report has been made under section
6 3(a) with respect to an activity of the entity to
7 receive such payment, and the President has no
8 credible information of any activity that would
9 require such a report; and

10 (C) the United States will receive goods or
11 services of value to the United States commensurate
12 with the value of the extraordinary payments made.
13

14 (2) DEFINITION.—For purposes of this sub-
15 section, the term “maintenance” means activities
16 that cannot be performed by the National Aero-
17 nautics and Space Administration and which must
18 be performed in order for the Service Module to pro-
19 vide environmental control, life support, and orbital
20 maintenance functions which cannot be performed
21 by an alternative means at the time of payment.

22 (3) TERMINATION.—This subsection shall cease
23 to be effective on the date that is 60 days after the
24 date on which a United States propulsion module is
25 in place at the International Space Station.

1 (h) EXCEPTION.—No agency of the United States
2 Government may make extraordinary payments in connec-
3 tion with the International Space Station, or any other
4 payments in connection with the International Space Sta-
5 tion, to any foreign person subject to measures applied
6 pursuant to section 4 of Executive Order 12938 (Novem-
7 ber 14, 1994), as amended by Executive Order 13094
8 (July 28, 1998).

9 (i) REPORT ON CERTAIN PAYMENTS RELATED TO
10 INTERNATIONAL SPACE STATION.—

11 (1) IN GENERAL.—The President shall, to-
12 gether with each report submitted under section
13 3(a), transmit to the Committee on Foreign Rela-
14 tions of the Senate and the Committee on Foreign
15 Affairs of the House of Representatives a report
16 that identifies each Russian entity or person to
17 whom the United States Government has, since No-
18 vember 22, 2005, made a payment in cash or in
19 kind for work to be performed or services to be ren-
20 dered under the Agreement Concerning Cooperation
21 on the Civil International Space Station, with annex,
22 signed at Washington January 29, 1998, and en-
23 tered into force March 27, 2001, or any protocol,
24 agreement, memorandum of understanding, or con-
25 tract related thereto.

1 from the United States, any alien whom the Secretary of
2 State determines is an alien who, on or after the date of
3 the enactment of this Act, is a—

4 (1) corporate officer, principal, or shareholder
5 with a controlling interest of a foreign person identi-
6 fied in a report submitted pursuant to section 3(a);

7 (2) corporate officer, principal, or shareholder
8 with a controlling interest of a successor entity to,
9 or a parent or subsidiary of, a foreign person identi-
10 fied in such a report;

11 (3) corporate officer, principal, or shareholder
12 with a controlling interest of an affiliate of a foreign
13 person identified in such a report, if such affiliate
14 engaged in the activities referred to in such report,
15 and if such affiliate is controlled in fact by the for-
16 eign person identified in such report;

17 (4) spouse, minor child, or agent of a person
18 excludable under paragraph (1), (2), or (3);

19 (5) senior official of a foreign government iden-
20 tified in such a report;

21 (6) senior official of a foreign government with
22 primary jurisdiction over a foreign person identified
23 in such a report; or

24 (7) spouse, minor child, or agent of a person
25 excludable under paragraph (5) or (6).

1 (b) EXCEPTION.—The President may waive denial of
2 a visa and exclusion from the United States described in
3 subsection (a) with respect to a person specified in para-
4 graph (5), (6), or (7) of subsection (a) if the President
5 determines and certifies in writing to the Committee on
6 Foreign Affairs and the Committee on Appropriations of
7 the House of Representatives and the Committee on For-
8 eign Relations and the Committee on Appropriations of
9 the Senate, on a case by case basis, that the foreign gov-
10 ernment with primary jurisdiction over such person has
11 made and continues to make clear, specific efforts to stop
12 and deter the transfer (as such term is defined in section
13 9) or retransfer of, or the permitting, hosting, or other
14 facilitating of transshipments that may enable the transfer
15 or retransfer of goods or technology that contribute to the
16 efforts by Iran to acquire or develop advanced conven-
17 tional weapons, or to acquire, develop, produce, or stock-
18 pile biological, chemical, radiological, or nuclear weapons
19 or long-range ballistic missiles cruise missiles.

20 (c) DEFINITIONS.—In this section—

21 (1) the term “advanced conventional weapons”
22 means goods, services, or technology listed on—

23 (A) the Wassenaar Arrangement list of
24 Dual Use Goods and Technologies and Muni-

1 tions list of July 12, 1996, and subsequent revisions;
2 or

3 (B) the Missile Technology Control Regime
4 Equipment and Technology Annex of June 11,
5 1996, and subsequent revisions; and

6 (2) the term “transshipment” means the trans-
7 fer of cargo from one vessel or conveyance to an-
8 other vessel for further transit to complete the voy-
9 age and carry the cargo to its ultimate destination.

10 **SEC. 9. PROHIBITION ON CERTAIN VESSELS LANDING IN**
11 **THE UNITED STATES; ENHANCED INSPEC-**
12 **TIONS.**

13 (a) PROHIBITION ON CERTAIN VESSELS LANDING IN
14 THE UNITED STATES.—Beginning on the date of the en-
15 actment of this Act, a vessel may not land at any port
16 in the United States to load or unload freight or engage
17 in the trade of goods or services if the vessel knowingly
18 entered a port in Iran, North Korea, or Syria during the
19 180-day period ending on the date of arrival of the vessel
20 at the port in the United States.

21 (b) ENFORCEMENT; ENHANCED INSPECTIONS.—Not
22 later than 180 days after the date of the enactment of
23 this Act, the Secretary of Homeland Security, in consulta-
24 tion with the Secretary of the Treasury and the Secretary
25 of Commerce, shall prescribe regulations that—

1 (1) require each vessel requesting to land at a
2 port in the United States to certify that the vessel
3 is not prohibited from landing at that port by reason
4 of the application of subsection (a);

5 (2) prohibit, for a period of two years, any ves-
6 sel that provides false certification under paragraph
7 (1) from landing at a port in the United States;

8 (3) provide a mechanism for identifying foreign
9 ports at which vessels have landed during the pre-
10 ceding 12-month period that have also landed at
11 ports in Iran, North Korea, or Syria during that pe-
12 riod;

13 (4) require an enhanced inspection of vessels
14 arriving in the United States from foreign ports
15 identified in paragraph (3); and

16 (5) set forth procedures for inspecting each ves-
17 sel described in paragraph (4) that are sufficiently
18 rigorous to establish whether the vessel was involved,
19 during the 12-month period preceding the arrival of
20 the vessel at the port in the United States, in any
21 activity that would be subject to sanctions under this
22 Act or any other provision of law.

23 (c) PORT DEFINED.—For purposes of this section,
24 the term “port” means a seaport or airport.

1 **SEC. 10. SANCTIONS WITH RESPECT TO CRITICAL DEFENSE**
2 **RESOURCES PROVIDED TO OR ACQUIRED**
3 **FROM IRAN, NORTH KOREA, OR SYRIA.**

4 (a) IN GENERAL.—The President shall apply the
5 sanctions described in subsection (b) to any person the
6 President determines is, on or after the date of the enact-
7 ment of this Act, providing to, or acquiring from, Iran,
8 North Korea, or Syria any good or technology that the
9 President determines is used, or is likely to be used, for
10 military applications.

11 (b) SANCTIONS DESCRIBED.—The sanctions de-
12 scribed in this subsection are, with respect to a person
13 described in subsection (a), the following:

14 (1) FOREIGN EXCHANGE.—Prohibiting any
15 transactions in foreign exchange that are subject to
16 the jurisdiction of the United States and in which
17 that person has any interest.

18 (2) BANKING TRANSACTIONS.—Prohibiting any
19 transfers of credit or payments between financial in-
20 stitutions or by, through, or to any financial institu-
21 tion, to the extent that such transfers or payments
22 are subject to the jurisdiction of the United States
23 and involve any interest of that person.

24 (3) PROPERTY TRANSACTIONS.—Prohibiting
25 any person from—

1 (A) acquiring, holding, withholding, using,
2 transferring, withdrawing, transporting, import-
3 ing, or exporting any property that is subject to
4 the jurisdiction of the United States and with
5 respect to which the person described in sub-
6 section (a) has any interest;

7 (B) dealing in or exercising any right,
8 power, or privilege with respect to such prop-
9 erty; or

10 (C) conducting any transaction involving
11 such property.

12 (4) LOAN GUARANTEES.—Prohibiting the head
13 of any Federal agency from providing a loan guar-
14 antee to that person.

15 (c) RESTRICTIONS ON EXPORT LICENSES FOR NU-
16 CLEAR COOPERATION AND CERTAIN LOAN GUARAN-
17 TEES.—Before issuing a license for the exportation of any
18 article pursuant to an agreement for cooperation under
19 section 123 of the Atomic Energy Act of 1954 (42 U.S.C.
20 2153) or approving a loan guarantee or any other assist-
21 ance provided by the United States Government with re-
22 spect to a nuclear energy project, the Secretary of Energy,
23 the Secretary of Commerce, and the Nuclear Regulatory
24 Commission shall certify to Congress that issuing the li-
25 cense or approving the loan guarantee or other assistance

1 (as the case may be) will not permit the transfer of any
2 good or technology described in subsection (a) to Iran,
3 North Korea, or Syria.

4 **SEC. 11. DEFINITIONS.**

5 In this title:

6 (1) **ADHERENT TO RELEVANT NONPROLIFERA-**
7 **TION REGIME.**—A government is an “adherent” to a
8 “relevant nonproliferation regime” if such govern-
9 ment—

10 (A) is a member of the Nuclear Suppliers
11 Group with respect to a transfer of goods, serv-
12 ices, or technology described in section
13 3(a)(1)(A)(i);

14 (B) is a member of the Missile Technology
15 Control Regime with respect to a transfer of
16 goods, services, or technology described in sec-
17 tion 3(a)(1)(A)(ii), or is a party to a binding
18 international agreement with the United States
19 that was in effect on January 1, 1999, to con-
20 trol the transfer of such goods, services, or
21 technology in accordance with the criteria and
22 standards set forth in the Missile Technology
23 Control Regime;

1 (C) is a member of the Australia Group
2 with respect to a transfer of goods, services, or
3 technology described in section 3(a)(1)(A)(iii);

4 (D) is a party to the Convention on the
5 Prohibition of the Development, Production,
6 Stockpiling and Use of Chemical Weapons and
7 on Their Destruction with respect to a transfer
8 of goods, services, or technology described in
9 section 3(a)(1)(A)(iv); or

10 (E) is a member of the Wassenaar Ar-
11 rangement with respect to a transfer of goods,
12 services, or technology described in section
13 3(a)(1)(A)(v).

14 (2) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means the Committee on Foreign Affairs of
17 the House of Representatives and the Committee on
18 Foreign Relations and the Committee on Banking,
19 Housing, and Urban Affairs of the Senate.

20 (3) EXTRAORDINARY PAYMENTS IN CONNec-
21 TION WITH THE INTERNATIONAL SPACE STATION.—
22 The term “extraordinary payments in connection
23 with the International Space Station” means pay-
24 ments in cash or in kind made or to be made by the
25 United States Government—

1 (A) for work on the International Space
2 Station which the Government of the Russian
3 Federation pledged at any time to provide at its
4 expense, or

5 (B) for work on the International Space
6 Station, or for the purchase of goods or services
7 relating to human space flight, that are not re-
8 quired to be made under the terms of a con-
9 tract or other agreement that was in effect on
10 January 1, 1999, as such terms were in effect
11 on such date,

12 except that such term does not mean payments in
13 cash or in kind made or to be made by the United
14 States Government before July 1, 2016, for work to
15 be performed or services to be rendered before such
16 date necessary to meet United States obligations
17 under the Agreement Concerning Cooperation on the
18 Civil International Space Station, with annex, signed
19 at Washington January 29, 1998, and entered into
20 force March 27, 2001, or any protocol, agreement,
21 memorandum of understanding, or contract related
22 thereto.

23 (4) FOREIGN PERSON.—The term “foreign per-
24 son” means—

25 (A) a natural person who is an alien;

1 (B) a corporation, business association,
2 partnership, society, trust, or any other non-
3 governmental entity, organization, or group,
4 successor, subunit, or subsidiary organized
5 under the laws of a foreign country or that has
6 its principal place of business in a foreign coun-
7 try; and

8 (C) any foreign government, including any
9 foreign governmental entity.

10 (5) KNOWINGLY.—The term “knowingly”, with
11 respect to conduct, a circumstance, or a result,
12 means that a person has actual knowledge, or should
13 have known, of the conduct, the circumstance, or the
14 result of such conduct, circumstance, or result.

15 (6) ORGANIZATION OR ENTITY UNDER THE JU-
16 RISDICTION OR CONTROL OF THE RUSSIAN AVIATION
17 AND SPACE AGENCY.—

18 (A) DEFINITION.—The term “organization
19 or entity under the jurisdiction or control of the
20 Russian Aviation and Space Agency” means an
21 organization or entity that—

22 (i) was made part of the Russian
23 Space Agency upon its establishment on
24 February 25, 1992;

1 (ii) was transferred to the Russian
2 Space Agency by decree of the Government
3 of the Russian Federation on July 25,
4 1994, or May 12, 1998;

5 (iii) was or is transferred to the Rus-
6 sian Aviation and Space Agency or Rus-
7 sian Space Agency by decree of the Gov-
8 ernment of the Russian Federation at any
9 other time before, on, or after March 14,
10 2000; or

11 (iv) is a joint stock company in which
12 the Russian Aviation and Space Agency or
13 Russian Space Agency has at any time
14 held controlling interest.

15 (B) EXTENSION.—Any organization or en-
16 tity described in subparagraph (A) shall be
17 deemed to be under the jurisdiction or control
18 of the Russian Aviation and Space Agency re-
19 gardless of whether—

20 (i) such organization or entity, after
21 being part of or transferred to the Russian
22 Aviation and Space Agency or Russian
23 Space Agency, is removed from or trans-
24 ferred out of the Russian Aviation and
25 Space Agency or Russian Space Agency; or

1 (ii) the Russian Aviation and Space
2 Agency or Russian Space Agency, after
3 holding a controlling interest in such orga-
4 nization or entity, divests its controlling in-
5 terest.

6 (7) SUBSIDIARY.—The term “subsidiary”
7 means an entity (including a partnership, associa-
8 tion, trust, joint venture, corporation, or other orga-
9 nization) of a parent company that controls, directly
10 or indirectly, the other entity.

11 (8) TRANSFER OR TRANSFERRED.—The term
12 “transfer” or “transferred”, with respect to a good,
13 service, or technology, includes—

14 (A) the conveyance of technological or in-
15 tellectual property; and

16 (B) the conversion of technological or intel-
17 lectual advances into marketable goods, serv-
18 ices, or technology of value that is developed
19 and generated in one location and transferred
20 to another location through illegal or illicit
21 means.

22 (9) UNITED STATES PERSON.—The term
23 “United States person” means—

24 (A) a natural person who is a citizen or
25 resident of the United States; or

1 (B) an entity that is organized under the
2 laws of the United States or any State or terri-
3 tory thereof.

4 (10) VESSEL.—The term “vessel” has the
5 meaning given such term in section 1081 of title 18,
6 United States Code. Such term also includes air-
7 craft, regardless of whether or not the type of air-
8 craft at issue is described in such section.

9 **SEC. 12. REPEAL OF IRAN, NORTH KOREA, AND SYRIA NON-**
10 **PROLIFERATION ACT.**

11 (a) REPEAL.—The Iran, North Korea, and Syria
12 Nonproliferation Act (50 U.S.C. 1701 note) is repealed.

13 (b) RULE OF CONSTRUCTION.—The repeal of the
14 Iran, North Korea, and Syria Nonproliferation Act under
15 subsection (a) shall not be construed to have the effect
16 to release or extinguish any sanction or other penalty
17 under such Act in effect on the day before the date of
18 the enactment of this Act and such Act shall be treated
19 as still remaining in force for the purpose of sustaining
20 any proper action or prosecution for the enforcement of
21 such sanction or other penalty.

22 (c) REFERENCES.—Any reference in a law, regula-
23 tion, document, or other record of the United States to

- 1 the Iran, North Korea, and Syria Nonproliferation Act
- 2 shall be deemed to be a reference to this Act.

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